

6At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, April 27, 2004, the following members were present:

Bob Rowe, Chairman
Thomas J. Schneider, Vice Chairman
Matt Brainard, Commissioner
Greg Jergeson, Commissioner
Jay Stovall, Commissioner

APPEARANCE

Eric Eck
Utility Division

(147) In the matter of Black Hills Power - D2004.3.49: On March 31, 2004, BHP filed a Quarterly Fuel Rate Rider application. A Notice of Opportunity for Public Hearing was issued on April 5, 2004. Requests for hearing were due by April 27, 2004. No requests have been received. This application will decrease revenues by \$2,379 over the base cost of fuel approved in Docket No. 83.4.25. A default order has been drafted.

Commissioner Stovall moved to approve the application. Commissioner Jergeson seconded the motion, which passed unanimously.

APPEARANCE

Scott Fabel
Utility Division

(148) In the matter of Qwest Communications - N2004.4.57: On April 12, 2004 Qwest filed Tariff Transmittal PLT04-01 withdrawal of Simultaneous Voice and Data Service (SVDS). These revisions will remove the SVDS. There are no customers in Montana subscribing to the product. SVDS will remain as an interstate offering until such times as a waiver has been granted by the Federal Communications Commission (FCC).

Commissioner Brainard moved to approve Qwest's filing Tariff Transmittal PLT04-01 to remove the SVDS. Commissioner Schneider seconded the motion, which passed unanimously.

(149) In the matter of Qwest Communications - N2004.4.56: On April 12, 2004 Qwest filed Tariff Transmittal 04-06 revision of section 12, Open Network Architecture (ONA) change due to withdrawal of Simultaneous Voice and Data Service (SVDS) from the Private Line Access Tariff. The revision describes SVDS offering as available as only an interstate service. A simultaneous filing (PLT04-01) is being made to withdraw the SVDS from the intrastate Private Line Access Tariff.

Commissioner Stovall moved to approve Qwest's filing Tariff Transmittal 04-06 revision of section 12. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division

(150) In the matter of T-04.10.OTSC: On March 29, 2004 an Order to Show Cause was issued to Townsend Lumber Company, Inc., Townsend, Montana, PSC No. 4636 for failure to purchase vehicle registration receipts as required by 69-12-421, MCA. The Order to Show Cause was sent via certified mail and received on March 31, 2004. There has been no response.

Commissioner Schneider moved to cancel PSC No. 4636 for failure to purchase vehicle registration receipts. Commissioner Jergeson seconded the motion, which passed unanimously.

(151) In the matter of T-04.14.OTSC: On March 29, 2004 an Order to Show Cause was issued to Riedlinger Investments, Inc. dba Yellowstone Taxi Service, West Yellowstone, Montana, PSC No. 9421, for failure to purchase vehicle registration receipts as required by 69-12-421, MCA. The Order to Show Cause was sent via certified mail and received on April 1, 2004. There has been no response.

Commissioner Brainard moved to cancel PSC No. 9421 for failure to purchase vehicle registration receipts. Commissioner Stovall seconded the motion, which passed unanimously.

(152) In the matter of the approval of Commission Minutes; Commissioner Jergeson moved to approve the Commission Minutes for the week of April 19, 2004. Commissioner Schneider seconded the motion, which passed unanimously.

APPEARANCE

Martin Jacobson
Legal Division

(153) In the matter of the Commission's discussion of Coalition EAS - Qwest request for protective order:

Commissioner Schneider moved to grant Qwest's request for a protective order with a reservation on the ability to conform this to any changed rules or practices flowing from the Supreme Court decision in the Great Falls Tribune decision case. Commissioner Stovall seconded the motion, which passed unanimously.

(154) In the matter of the Commission's discussion of the OSP Rule Change:

Commissioner Jergeson moved to issue a notice of proposed rulemaking concerning operator service provider (OSPs) rules related to customer dialed calling card, company card. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Monica Tranel
Legal Division
Scott Fabel
Utility Division

(155) In the matter of the Commission's discussion of Hot Springs Telephone Company Detariffed New Services and New Tariffed services - D2004.4.52:

Commissioner Schneider moved to issue a Notice of Commission Action approving the detariff listing and waiving the specific cost study rule requirement and to make clear the detariffing is at Commission discretion. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Martin Jacobson
Legal Division

(156) In the matter of the Commission's discussion of the PSC Natural Gas Supply Notice of Inquiry (NOI) - D2003.10.151, et.al.:

Commissioner Schneider moved to adopt the Notice of Commission Action closing the natural gas NOI. Commissioner Stovall seconded the motion, which passed 4-1. Commissioner Jergeson dissented.

APPEARANCE

Martin Jacobson, Will Rosquist
Legal/Utility Division

(157) In the matter of the Commission's discussion of NWE QF Avoided Cost - Navitas Objection to PSC Data Request - D2003.7.86:

Commissioner Schneider moved to overrule the objection to PSC 040(b) and advise Navitas it may move for a protective order. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE

Robin McHugh, Administrator
Legal Division
Will Rosquist
Utility Division

(158) In the matter of the Commission's discussion of NWE Basin Creek PPA - D2004.3.45:

Commissioner Brainard moved to deny NWE's objection and to grant intervention to PPL. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan
Legal Division

(159) In the matter of the Commission's discussion of the NWE Bankruptcy:

Commissioner Jergeson moved to authorize outside advisors to continue negotiations and authorize PSC staff and outside counsel to prepare objections for the May 7, 2004 deadline and the May 17, 2004 hearing as necessary. Commissioner Brainard seconded the motion, which passed unanimously.

Commissioner Jergeson moved to retain Scott Hempling as an expert witness on plan feasibility and ring-fencing at \$225.00 an hour plus expenses, capped at \$25,000 and subject to approval of the budget office. Commissioner Brainard seconded the motion, which passed unanimously.

(160) In the matter of Montana Consumer Counsel's Motion to Compel - D2003.8.109:

Commissioner Jergeson moved to appoint Martin Jacobson as Special Master according to the proposal and schedule as outlined by staff. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE

Martin Jacobson, Wayne Budt

(161) In the matter of PSC Radioactive Waste Transportation Rules - L-03.12.6-RUL:

Commissioner Schneider moved to adopt the radioactive rules as noticed. Commissioner Brainard seconded the motion, which passed unanimously.

(162) In the matter of PSC Motor Carrier Application Fee Rule Change - L-04.04.1-RUL:

Commissioner Jergeson moved to include proposed rules on information to be filed by protestants in the notice of rulemaking. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney, Administrator
Utility Division

(163) In the matter of Personnel/Budget:

Commissioner Stovall moved to adopt the new revised work schedule for Steve Vick and waive the requirement in the blue book rules. Commissioner Jergeson seconded the motion. Chairman Rowe had to leave the meeting but left his vote with the Commission Secretary. The motion passed unanimously.

Commissioner Jergeson moved to approve the EPP budget request as presented. Commissioner Brainard seconded the motion. Commissioner Rowe voted aye, making the motion unanimous.

There being no further business to come before the Commission the meeting was adjourned.

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGESON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)